

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

In re:

JUST ONE DIME COACHING, LLC,

Debtors.¹

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Case No. 22-10783-SMR

Chapter 7

**SKUNK LABS, LLC'S
MOTION FOR LEAVE TO FILE TIME-BARRED PROOF OF CLAIM**

TO THE HONORABLE SHAD M. ROBINSON, UNITED STATES BANKRUPTCY JUDGE:

Skunk Labs, LLC (“Skunk Labs”), a creditor and party in interest of the Chapter 7 bankruptcy proceeding of Just One Dime Coaching, LLC (the “Debtor”), by and through its attorneys, Rabinowitz, Lubetkin & Tully, LLC and McGinnis Lochridge LLP hereby files this Motion for Leave to File Time-Barred Proof of Claim, and respectfully shows unto the Court the following:

1. The Debtor filed their Chapter 7 case on November 23, 2022. The claims bar date for creditors was set for February 27, 2023. Skunk Labs is a New Jersey limited liability company which is a creditor and a party in interest in the Debtor’s bankruptcy proceeding. Skunk Labs only recently received written notice of the pendency of the Debtor’s bankruptcy proceeding before Your Honor upon service of an Alias Summons and adversary proceeding Complaint in late December 2023.

2. The Bankruptcy Rules provide some relief to creditors who are unable to file a timely claim. This Court does have discretion to enlarge time to file a proof of claim if “the

¹ The Debtor in this chapter 7 case, along with the last four digits of its federal tax identification number is: Just One Dime Coaching, LLC (1047). Other names the Debtor conducts business under as d/b/as include: Veritus a Series of Embue LLC and Done For You By Just One Dime.

situation falls into one of the six enumerated exceptions in Rule 3002(c).” *In re Rodriguez*, 567 B.R. 275, 279 (Bankr. S.D. Tex. 2017).

3. Prior to its amendment in 2017, the language of Bankruptcy Rule 3002(c) did not allow creditors additional time to file a proof of claim based upon inadequate notice. *See e.g., In re Sykes*, 451 B. R. 852 (Bankr. S.D. Ill. 2011) (finding that the plain language of Rule 3002 prevented the Court from granting additional time for a creditor to file a claim after the deadline had expired). In 2017, Bankruptcy Rule 3002(c) was amended to add a new subsection (c)(6) which provides: “On motion filed by a creditor before or after the expiration of the time to file a proof of claim, the court may extend the time by not more than 60 days from the date of the order granting the motion.” Fed. R. Bankr. P. 3002(c)(6). The Advisory Notes to Rule 3002(c)(6) state that subdivision (c)(6) was amended “to expand the exception to the bar date for cases in which a creditor received insufficient notice of the time to file a proof of claim.” Fed. R. Bankr. P. 3002, advisory committee’s note to 2017.

4. In 2022, Bankruptcy Rule 3002(c)(6) was again amended to also state in addition to the foregoing: “The motion may be granted if the court finds that the notice was insufficient under the circumstances to give the creditor a reasonable time to file a proof of claim.” Fed. R. Bankr. P. 3002(c)(6). This was done to “to provide a single standard for granting motions for an extension of time to file a proof of claim, whether the creditor has a domestic address or a foreign address. If the notice to such creditor was ‘insufficient under the circumstances to give the creditor a reasonable time to file a proof of claim,’ the court may grant an extension.” Fed. R. Bankr. P. 3002, advisory committee’s note to 2022.

5. Skunk Labs is not listed as a creditor in the Debtor’s Voluntary Petition, Schedules and Statement of Financial Affairs, or subsequent amendments, and is not on the matrix in this

matter. As noted above, the first written notice Skunk Labs received respecting the bankruptcy filing was the mailing of the Alias Summons and adversary proceeding Complaint in late December 2023.²

6. Based on such late notice, Skunk Labs intends to now file the proof of claim attached as Exhibit A and respectfully seeks entry of a Bankruptcy Court Order authorizing its proof of claim as timely filed. A form of proposed order is attached as Exhibit B and has been separately uploaded for consideration by the Court.

Dated: January 8, 2024

Respectfully submitted,

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ATTORNEYS FOR SKUNK LABS LLC

² On November 28, 2023, the Minns Firm Clients filed an adversary proceeding Complaint in the Debtor's bankruptcy case against many of the defendants which were listed as defendants in the five pre-petition federal District Court lawsuits, and also included Skunk Labs and its principal Patrick Cupillari, as defendants in that adversary proceeding. See Adversary Proceeding #: 23-01036-smr.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on the 8th day of January 2024, they personally caused true and correct copies of the foregoing pleading, together with all attachments hereto, to be served (a) by electronically filing it with the Court using the Court's CM/ECF system, which sent notification to the parties receiving same through such system as listed in the attached Matrix, and (b) on the parties shown on the below service list, via the Court's CM/ECF system, first class U.S. Mail and/or e-mail.

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